

Remarks

The Applicant respectfully requests reconsideration of the present U.S. Patent application. No claims have been amended, cancelled, added, or withdrawn in this response. Claims 1-7, 9-24, and 27-31 have been allowed. Thus, claims 1-7 and 9-31 remain pending in the application.

Claim Rejections § 103

Claims 25 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2001/0024888 filed by Marketkar et al. (*Marketkar*) in view of U.S. Patent No. 6,163,464 issued to Ishibashi et al. (*Ishibashi*). The Applicant respectfully notes that *Marketkar* has issued as U.S. Patent No. 6,533,586 and submits that claims 25 and 26 patentable over *Marketkar* in view of *Ishibashi* for at least the reasons set forth below.

35 U.S.C. § 103(c) states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Thus, effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. under § 103 via 35 U.S.C. § 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention “were, at the time invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The Applicant respectfully traverses the rejection by demonstrating that *Marketkar* is not prior art under 35 U.S.C. § 102(e). In particular, Application Ser. No. 10/077,593 and *Marketkar* were, at the time the invention of Application Ser. No. 10/077,593 was made, owned or subject to an obligation to assign to Intel Corporation. In addition, Application 10/077,593 was filed on or after November 29, 1999. Thus, under 35 U.S.C. § 103(c), *Marketkar* is not part of the prior art for Application Ser. No. 10/077,593.

Conclusion

The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Respectfully submitted,

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